



A-489-815
Administrative Review
POR: 05/01/2018 – 04/30/2019
Public Document
E&C/OIV: TH

February 16, 2021

MEMORANDUM TO: Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: 2018-2019 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey: Issues and Decision Memorandum for the Final Results

I. SUMMARY

We analyzed the comments submitted by interested parties in the above-referenced administrative review covering the single mandatory respondent, *i.e.*, Noksel Celik Boru Sanayi A.S. (Noksel), and recommend certain changes to the *Preliminary Results*.¹ We recommend that you approve the positions described in the “Discussion of the Issues” section of this memorandum. Below is a list of the issues for which we received comments from interested parties:

- Comment 1: Section 232 Duties
- Comment 2: Noksel’s Duty Drawback Adjustment
- Comment 3: Surrogate Costs For Products Sold but Not Produced During the Period of Review
- Comment 4: Noksel’s Movement Expenses
- Comment 5: Using Theoretical Quantities to Index Costs

¹ See *Light-Walled Rectangular Pipe and Tube From Turkey: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission, and Preliminary Determination of No Shipments; 2018-2019*, 85 FR 44861 (July 24, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

II. BACKGROUND

On July 24, 2020, the Department of Commerce (Commerce) published the *Preliminary Results* in the administrative review of the antidumping duty (AD) order on light-walled rectangular pipe and tube (LWRPT) from Turkey covering the May 1, 2018, through April 30, 2019, period of review (POR).²

On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days, thereby extending the deadline for these preliminary results of review until January 19, 2021.³

On August 24, 2020, Commerce received case briefs from Nucor Tubular Products Inc. (Nucor), a domestic interested party, and Noksel.⁴ On August 31, 2020, Commerce received a rebuttal brief from Nucor.⁵

On January 15, 2021, Commerce extended the deadline for these final results of review by 30 days, thereby extending the deadline until February 16, 2021.⁶

III. SCOPE OF THE ORDER

The merchandise subject to this order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm. The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to this order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and CBP's customs purposes, our written description of the scope of the order is dispositive.

IV. CHANGES SINCE THE PRELIMINARY RESULTS

We made the following changes to the preliminary dumping margin calculations: (1) we revised the methodology used to assign costs to products that were sold during the POR, but not

² *Id.*

³ See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

⁴ See Noksel's Letter, "Light-Walled Rectangular Pipe And Tube from Turkey: Noksel's Case Brief," dated August 24, 2020 (Noksel Case Brief); see also Nucor's Letter, "Light-Walled Rectangular Pipe and Tube from Turkey: Nucor Tubular's Case Brief and Request to Participate in Any Hearing Requested," dated August 24, 2020 (Nucor Case Brief).

⁵ Nucor's Letter, "Light-Walled Rectangular Pipe and Tube from Turkey: Nucor Tubular's Rebuttal Brief," dated

produced during the POR (see Comment 3 below); (2) we included international freight and loading expenses in U.S. movement expenses (see Comment 4 below); (3) we calculated indexed costs using theoretical, rather than actual, production quantities (see Comment 5 below).

V. DISCUSSION OF THE ISSUES

Comment 1: Section 232 Duties

Noksel

- Commerce treated section 232 duties as U.S. import duties and deducted them from Noksel's U.S. sales prices. This ignores past interpretations of the AD statute and record evidence demonstrating that these duties are special, remedial duties.⁷
- In *SSWR from Korea*,⁸ Commerce concluded that the term "United States import duties" was intended to apply only to regular customs duties and did not refer to "special duties," such as antidumping duties. Commerce also concluded that safeguard duties imposed under section 201 were properly treated as special duties, rather than regular customs duties, and thus were not to be deducted from U.S. price under section 772(c)(2)(A) of the Tariff Act of 1930, as amended (the Act).
- Section 232 duties cannot be deemed regular "United States import duties" referenced in the statute; they are special duties that are temporary in nature.
- Commerce's deduction of section 232 duties from U.S. price is contrary to the AD statute as very recently affirmed by the U.S. Court of Appeals for The Federal Circuit (CAFC) in *Wheatland*.⁹
- Deducting section 232 duties from the export price (EP) would run the risk of imposing a double remedy, which is contrary to congressional intent and the law.

Nucor

- Section 232 duties are not "special duties" like antidumping or section 201 duties, and there is no basis to treat section 232 duties as anything other than import duties that should be properly deducted from U.S. price.¹⁰
- Section 201 duties and section 232 duties are governed by different statutes, address different policy concerns, and serve different purposes.
- In *Certain Corrosion-Resistant Steel Products From Taiwan*,¹¹ Commerce stated that Section 232 duties are ordinary customs duties that should be deducted from EP and constructed export price (CEP), just like any other sales adjustment under section 772(c) of the Act.

August 31, 2020 (Nucor Rebuttal Brief).

⁶ See Memorandum, "Light-Walled Rectangular Pipe and Tube from Turkey: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated January 15, 2021.

⁷ See Noksel Case Brief at 6-20.

⁸ *Id.* at 7-10 (citing *Stainless Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Administrative Review*, 69 FR 19153 (April 12, 2004) (*SSWR from Korea*)).

⁹ *Id.* at 7-10 (citing *Wheatland Tube Co. v. United States*, 495 F. 3d 1355, 1363 (Fed. Cir. 2007) (*Wheatland*)).

¹⁰ See Nucor Rebuttal Brief at 9-22.

¹¹ *Id.* at 21-22 (citing *Certain Corrosion-Resistant Steel Products From Taiwan: Final Results of Antidumping Duty Administrative Review; 2017-2018*, 85 FR 16613 (March 24, 2020) (*Certain Corrosion-Resistant Steel Products from Taiwan*)), and accompanying Issues and Decision Memorandum (IDM).

- Failing to deduct section 232 duties would effectively result in a refund of these duties and undermine the national security objectives of the duties.
- Noksel’s legal arguments have already been directly addressed and rejected by Commerce. In *CWP from Turkey 17-18*, Commerce stated that it did “not agree that {s}ection 232 duties are analogous to {s}ection 201 or antidumping duties, for the reasons discussed above (*i.e.*, {s}ection 232 duties were implemented to address national security concerns; they are not focused on remedying injury to a domestic industry; they do not overlap with antidumping duties; and they have not termination provision).”¹²
- There is no basis to deduct from U.S. prices less than the full amount of the section 232 duties that applied to LWRPT imports during the POR—*i.e.*, 25 percent on entries from March to August 2018, and 50 percent on entries from August 2018 to May 2019.

Commerce’s Position: Commerce agrees with Nucor’s position that section 232 duties are analogous to U.S. import duties that are properly deducted from EP and CEP pursuant to the statute.¹³ The Annex to *Proclamation 9740*, which is the Presidential Proclamation that established the nature and treatment of section 232 duties, refers to section 232 duties as “ordinary” customs duties.¹⁴ In other words, section 232 duties are treated as any other duties.

Section 232 duties are not special remedial duties akin to antidumping or section 201 duties. Section 232 duties focus on threats to national security,^{15,16} specifically the threat that an “industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet {its} national security needs”¹⁷ In contrast, section 201 and antidumping and countervailing duties provide relief to U.S. companies from imports that threaten or injure their businesses.^{18,19} Thus, unlike section 232 duties, section 201 duties as well

¹² *Id.* at 21 (citing *Circular Welded Carbon Steel Standard Pipe and Tube Products From Turkey: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017-2018*, 85 FR 3616 (January 22, 2020) (*CWP from Turkey 17-18*)).

¹³ See section 772(c)(2)(A) of the Act (directing Commerce to adjust EP and CEP “for the amount, if any, included in such price, attributable to any additional costs, charges, or expenses, and United States import duties ...”)

¹⁴ See *Proclamation 9705 of March 8, 2018-Adjusting Imports of Steel Into the United States*, 83 FR at 11627 (March 15, 2018) (*Proclamation 9705*); *Proclamation 9711 of March 22, 2018-Adjusting Imports of Steel Into the United States*, 83 FR at 13361 (*Proclamation 9711*); *Proclamation 9740 of April 30, 2018-Adjusting Imports of Steel Into the United States*, 83 FR 20683-87 (May 7, 2018) (*Proclamation 9740*) (“All anti-dumping or countervailing duties, or other duties and charges applicable to such goods shall continue to be imposed, except as may be expressly provided herein.”); *Proclamation 9759 of May 31, 2018-Adjusting Imports of Steel Into the United States*, 83 FR at 25857 (June 5, 2018) (*Proclamation 9759*); *Proclamation 9772 of August 10, 2018-Adjusting Imports of Steel Into the United States*, 83 FR at 40430-31 (August 15, 2018); *Proclamation 9777 of August 29, 2018-Adjusting Imports of Steel Into the United States*, 83 FR at 45025 (*Proclamation 9777*). The proclamations do not expressly provide that section 232 duties receive different treatment.

¹⁵ See *Proclamation 9705*, 83 FR at 11627 (emphasis added); *Proclamation 9711* (“In proclaiming this tariff, I recognized that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our national economy and thereby threaten to impair the national security”); *Proclamation 9740*; *Proclamation 9759*; and *Proclamation 9777*.

¹⁶ See section 232(b)(1)(A) of the Trade Expansion Act of 1962 (emphasis added); see also section 232(a) of the Trade Expansion Act of 1962 (explaining that “{n}o action shall be taken ... to decrease or eliminate the duty or other import restrictions on any article if the President determines that such reduction or elimination would threaten to impair the national security”).

¹⁷ See *Proclamation 9705*, 83 FR at 11627.

¹⁸ See *Wheatland*, 495 F.3d 1355, 1363.

¹⁹ *Id.* at 1363.

as antidumping and countervailing duties “are all directed at the same overarching purposes – protecting the bottom line of domestic producers.”²⁰

Noksel relies on *Wheatland*, where the CAFC sustained Commerce’s determination in *SSWR from Korea* not to adjust U.S. prices in antidumping proceedings for section 201 duties under the statutory provision.²¹ However, as mentioned above, Section 232 duties are not akin to antidumping or section 201 duties. Therefore, it would be improper to rely on determinations in *Wheatland* and *SSWR from Korea* when considering whether to subtract section 232 duties from U.S. prices in dumping margin calculations.

Noksel contends that deducting section 232 duties from U.S. prices risks imposing a double remedy.²² However, the function of antidumping duties and section 232 duties are separate and distinct; there is no overlap between the two distinct type of duties, and, thus, they do not provide multiple remedies for the same situation.

Subtracting section 232 duties from U.S. prices is consistent with section 772(c)(2)(A) of the Act, which directs Commerce to adjust EP and CEP for “the amount, if any, included in such price, attributable to any additional costs, charges, or expenses, and United States import duties.”²³ Therefore, for these final results, consistent with the *Preliminary Results, Certain Corrosion-Resistant Steel Products from Taiwan* and for the reasons noted above, we have determined that section 232 duties constitute normal U.S. import duties that should be deducted from Noksel’s U.S. prices pursuant to section 772(c)(2)(A) of the Act.²⁴

Comment 2: Noksel’s Duty Drawback Adjustment

Noksel

- Commerce is statutorily required to increase U.S. price by “the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.”
- Commerce denied Noksel’s duty drawback adjustment because the inward processing certificates (IPCs, also known as DIIBs, which are used to obtain duty drawback) were not “closed” in the POR.²⁵
- In *HWRPT from Turkey*, Commerce considered:
 - a DIIB to be closed when the {Government of Turkey, (GOT)} no longer permits the company to add import or export information to the DIIB. For practical purposes, we consider this to be when the exporting company has applied to the {GOT} for closure of the DIIB.²⁶

²⁰ *Id.* at 1364.

²¹ *Id.* at 1363.

²² See Noksel Case Brief at 17-18.

²³ See section 772(c)(2)(A) of the Act.

²⁴ See *Certain Corrosion-Resistant Steel Products from Taiwan*, IDM at 5-12.

²⁵ See Noksel Case Brief at 20-24.

²⁶ *Id.* at 20-24 (citing *HWRPT from Turkey: Final Determination of Sales at Less Than Fair Value*, 81 FR 47355 (July 21, 2016) (*HWRPT from Turkey*), and accompanying IDM at Comment 4.).

- Imports and exports under IPC 1401 (the relevant IPC in this review) have been completed, and the application to close the IPC was presented to the GOT (documentation in Exhibit C-15, shows the IPC is “under closure process”).
- Since Commerce considers an IPC to be “closed” when the GOT no longer permits the company to add more import or export information to the IPC, Commerce should grant Noksel’s duty drawback adjustment.
- Commerce mistakenly determined that the IPC at issue was not closed because the GOT had not granted final approval of the application for closure.

Nucor

- Commerce should not increase U.S. prices by duty drawback.²⁷
- Commerce’s longstanding practice is to only allow a duty drawback adjustment where the Turkish IPC is closed.
- In the 2016-17 administrative review in this proceeding, as here, the respondent confirmed that its IPC was not closed and it failed to support any IPCs supposedly related to exports with record evidence.²⁸ Accordingly Commerce refused to adjust U.S. prices for duty drawback.²⁹
- In the 2015-16 AD administrative review in this proceeding, Commerce did not grant Noksel a duty drawback adjustment when it applied for closure of the IPC.³⁰
- Noksel failed to provide evidence that “certain IPCs were related to exports of subject merchandise to the United States during the POR”; thus, Noksel failed to meet the first requirement for granting a duty drawback adjustment.
- Noksel’s argument that the IPC at issue should be considered “closed” because of a decision in *HWRPT from Turkey*³¹ is meritless, because the only duty drawback adjustment that was granted in that investigation was for an IPC that was closed by the GOT.
- Commerce did not consider the application for closure to be the threshold for considering an IPC to be closed. Commerce is not satisfied that an IPC has been closed until a respondent can provide sufficient documentation establishing its closure by the GOT.
- Commerce should continue to deny Noksel’s duty drawback claim.

Commerce’s Position: Commerce agrees with Nucor that it should not grant Noksel a duty drawback adjustment. Section 772(c)(1)(B) of the Act states that the price used to establish EP or CEP shall be increased by “the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.”

²⁷ See Nucor Rebuttal Brief at 4-9.

²⁸ See *Light-Walled Rectangular Pipe and Tube From Turkey: Final Results of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 24278 (May 25, 2018) (*LWRPT from Turkey 2016-17*), and accompanying IDM.

²⁹ *Id.*

³⁰ *Id.* at 7-8. (citing *Light-Walled Rectangular Pipe and Tube: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015-2016*, 82 FR 47477 (October 12, 2017) (*LWRPT from Turkey 2015-16*), and accompanying IDM)).

³¹ *Id.*

In determining whether an adjustment for duty drawback should be granted, we look for a reasonable link between the duties imposed and those rebated or exempted.³² We do not require that the imported material be traced directly from importation through exportation. We do require, however, that the company meet our “two-pronged” test in order for this adjustment to be made to U.S. price.³³

The first prong of the test is that the import duty and its rebate or exemption be directly linked to, and dependent upon, one another (or the exemption from import duties is linked to the exportation of subject merchandise). The second prong of the test is that the company must demonstrate that there were sufficient imports of the relevant raw materials to account for the duty drawback or exemption granted for the exportation of the manufactured product.³⁴

Noksel relies on *HWRPT from Turkey*³⁵ to argue that merely applying for closure of an IPC is enough to satisfy Commerce’s requirements for granting a duty drawback adjustment. Despite the statement from *HWRPT from Turkey* indicating that Commerce considers an IPC closed “when the exporting company has applied to the {GOT} for closure of the {IPC},” Commerce did not follow that principle in *HWRPT from Turkey*. In *HWRPT from Turkey*, Commerce disallowed two of the three IPCs under which the respondent requested a duty drawback adjustment because one IPC remained open and the other IPC was suspended *after* the respondent had applied for closure. Hence, application for closure was not a determining factor in granting a duty drawback adjustment in *HWRPT from Turkey*. Notably, the duty drawback adjustment that Commerce did grant the respondent in *HWRPT from Turkey* was for the only IPC that had been closed by the GOT.³⁶ Moreover, in the 2015-16 administrative review in this proceeding, Commerce did not consider application for closure to be the threshold for finding an IPC to be closed.³⁷ Specifically, Commerce determined that it was not appropriate to consider an IPC closed based on Noksel’s application for closure.³⁸

Following this approach, Commerce is not considering the application for closure to be the threshold for considering an IPC to be closed in the instant review. Rather, as demonstrated by the 2015-16 administrative review in this proceeding and by *HWRPT from Turkey*, a company’s application to close an IPC may be modified or suspended even after it has been submitted to the GOT. Thus, Commerce is not satisfied that an IPC has been closed until a respondent can provide sufficient documentation establishing its closure by the GOT.

There is no documentation on the record indicating that the GOT closed the IPC at issue here. Short of certification from the GOT indicating that the IPC has been formally closed, the record

³² See Noksel Case Brief at 20-24.

³³ See *Antidumping Methodologies: Market Economy Inputs, Expected Non-Market Economy Wages, Duty Drawback; and Request for Comments*, 71 FR 61716, 61723 (October 19, 2006); see also *Saha Thai Steel Pipe (Public) Co. v. United States*, 635 F.3d 1335, 1340-41 (Fed. Cir. 2011).

³⁴ *Id.*; see also *Notice of Final Results of the Eleventh Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea*, 71 FR 7513 (February 13, 2006), and accompanying IDM at Comment 2.

³⁵ See, e.g., *HWRPT from Turkey* IDM at Comment 4.

³⁶ *Id.* at Comment 3.

³⁷ See *LWRPT from Turkey 2015-16*.

³⁸ *Id.*

does not demonstrate that Noksel is precluded from suspending its IPC application or modifying the application to add import or export information to the IPC. Thus, there is no evidence on the record to support a finding that Noksel's IPC has been closed.

As stated in the *Preliminary Results* and previous administrative reviews in this proceeding,³⁹ our practice with regard to the Turkish inward processing regime, which is the official mechanism for applying for exemption from import duties, is to consider only closed IPCs (*i.e.*, IPC's to which the company was no longer permitted by the GOT to add import or export information) for purposes of calculating a duty drawback adjustment.⁴⁰ For these reasons, consistent with our past treatment of not-yet-closed IPCs, for these final results, we have continued to deny Noksel's request for a duty drawback adjustment.

Comment 3: Surrogate Costs For Products Sold but Not Produced During the Period of Review

Noksel

- Commerce assigned the costs of the most similar control number (CONNUM) to CONNUMs of products sold, but not produced, during the POR. However, the high-inflation cost methodology used by Commerce resulted in identifying different most similar CONNUMs in different months of the POR. This distorted the dumping margin calculation.⁴¹
- Commerce should calculate indexed costs for all months of the POR for the CONNUMs with at least one month of cost data. Then, for any CONNUM for which at least one sale, but no production, was reported in a month, Commerce should base that CONNUM's cost on the indexed costs for the most similar CONNUM.

Nucor

- Commerce should reject Noksel's argument.⁴²
- Commerce's approach is methodologically sound and consistent with its practice in other cases involving shorter time periods where it sought to find the most similar costs within the same period.
- Noksel failed to explain or substantiate its claim that Commerce's methodology causes any distortion or creates any "significant" differences in costs. Noksel did not cite any cases or sources to support its proposed self-serving methodology.

Commerce's Position: Commerce agrees with Noksel that it should revise the cost methodology used in the *Preliminary Results* to assign a surrogate cost to products that were sold during the POR but not produced during the POR. In the *Preliminary Results*, for CONNUMs of products that were sold, but not produced during the POR, Commerce assigned a cost that reflected the cost of the most similar CONNUM produced in the month that the product with no production was sold. As a result, the assigned surrogate cost for sale of the product could change

³⁹ *Id.*; see also *Light-Walled Rectangular Pipe and Tube From Turkey: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 5987 (February 12, 2018) and accompanying PDM, unchanged in *LWRPT from Turkey 2016-17*.

⁴⁰ See *Preliminary Results* PDM.

⁴¹ See Noksel Case Brief at 24-25.

⁴² See Nucor Rebuttal Brief at 23-24.

monthly based on the mix of CONNUMs of products that were produced in any given month. We note, however, that the methodology used in the *Preliminary Results* runs counter to Commerce's long-standing practice of choosing the most similar CONNUM.

While Commerce requests monthly production costs and quantities from respondents when there is high inflation, Commerce adheres to its long-standing practice of calculating annual average costs which smooths out the normal cost fluctuations that occur during an accounting period.⁴³ Specifically, with high inflation, the monthly costs reported by the respondent essentially reflect a different currency level for each month of the period. To neutralize the impact of high inflation on the calculation of the period's average costs, Commerce restates the respondent's reported monthly costs to a constant currency basis (usually the end of the period) using monthly inflation indices and then calculates the period average cost of production (COP).⁴⁴ The period-wide weighted-average COPs are then restated (*i.e.*, deflated) in the currency values of each month during the period. This methodology allows Commerce to calculate the weighted-average period COPs and constructed values using monthly costs that are stated at the different monthly currency levels.⁴⁵

Commerce's normal practice, when calculating annual average costs, is to assign surrogate costs (where a respondent did not produce a product during the reporting period) using the most similar CONNUM available, as long as it does not lead to distortions.⁴⁶ In the instant review, while we are using a high inflation methodology, we continue to adhere to our practice of calculating POR weighted-average costs and restating the POR-average COP to the different currency level of each respective POR month in order to minimize the distortive impact of high inflation. Therefore, in accordance with Commerce's normal practice,⁴⁷ for these final results of review, we have determined that it is appropriate, where a product was sold but not produced during the POR, to assign the POR-average cost of the most similar CONNUM to the CONNUM of the product that was sold but not produced during the POR. Further, based on the existence of high inflation during this POR, we indexed this surrogate COP to each month during the POR.⁴⁸

Comment 4: Noksel's Movement Expenses

Nucor

⁴³ See, e.g., *Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada*, 71 FR 3822 (January 24, 2006), and accompanying IDM at Comment 5.

⁴⁴ See, e.g., *Silicomanganese from Brazil: Final Results of Antidumping Duty Administrative Review*, 69 FR 13813 (March 24, 2004), and accompanying IDM at Comment 4; see also *Final Determination of Sales at Less Than Fair Value: Cut-to-Length Carbon Steel Plate Products from Indonesia*, 64 FR 73164, 73170 (December 29, 1999).

⁴⁵ See *Final Affirmative Determination in the Antidumping Duty Investigation of Biodiesel from Argentina*, 82 FR 8837 (March 1, 2018), and accompanying IDM at Comment 7.

⁴⁶ See *Notice of Final Results of the Tenth Administrative Review and New Shipper Review of the Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea*, 70 FR 12443 (March 14, 2005), and accompanying IDM at Comment 5.

⁴⁷ *Id.*

⁴⁸ See Memorandum, "2018-2019 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey: Final Results Analysis Memorandum for Noksel Celik Boru Sanayi A.S.," dated concurrently with this memorandum (Noksel Final Analysis Memorandum).

- Commerce failed to include international freight and loading expenses in the U.S. movement expenses that it used in its calculations. Commerce should correct this error.⁴⁹

No other interested parties commented on this issue.

Commerce's Position: Commerce agrees with Nucor that it neglected to include international freight and loading expenses in the U.S. movement expenses that it used in its calculations, despite intending to include such expenses. We have included such expenses as U.S. movement expenses for these final results of review.⁵⁰

Comment 5: Using Theoretical Quantities to Index Costs

Nucor

- Commerce should index costs under its high inflation methodology using theoretical production quantities rather than actual production quantities because Noksel reported costs using theoretical production quantities.⁵¹

No other interested parties commented on this issue.

Commerce's Position: Commerce agrees with Nucor. We used theoretical sale quantities in our dumping margin calculations but failed to use theoretical production quantities when calculating product costs. We determine that it is appropriate to be consistent and use both theoretical sale and production quantities when calculating Noksel's dumping margin for the final results of this review.

⁴⁹ See Nucor Case Brief at 1-2.

⁵⁰ See Noksel Final Analysis Memorandum.

⁵¹ See Nucor Case Brief at 2-3.

VI. RECOMMENDATION

Based on our analysis of the comments received, we recommend adopting the above positions. If these recommendations are accepted, we will publish the final results of this review in the *Federal Register*.



Agree

Disagree

2/16/2021

X 

Signed by: CHRISTIAN MARSH

Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance